

# Order

Michigan Supreme Court  
Lansing, Michigan

October 3, 2007

Clifford W. Taylor,  
Chief Justice

133446

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 133446  
COA: 265911  
Wayne CC: 05-007345-01

DORAILONTIE MARTEL STRAWTHER,  
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 13, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals. The Court of Appeals erred in concluding that the defendant's convictions for both assault with intent to commit great bodily harm (MCL 750.84) and felonious assault (MCL 750.82) violated his double jeopardy protections. Because the crimes have different elements, the defendant may be punished for each. *People v Smith*, 478 Mich 292 (2007). Due to the prosecutor's confession of error regarding the scoring of PRV 7 in the Court of Appeals, the defendant remains entitled to resentencing. Accordingly, we REMAND this case to the Wayne Circuit Court for resentencing.

CAVANAGH, J., would deny leave to appeal.



d0926

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2007

*Corbin R. Davis*

Clerk